IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13705 of 2005

Between:

B.Mallamma, W/o.T.Ramakrishna,
Jamespeta Village, Proddutur Mandal, Kadapa district.

..... PETITIONER

AND

1 The Joint Collector, Kadapa, Kadapa district.
2 The Revenue Divisional Officer, Jammalamadugu, Kadapa district.
3 The Mandal Revenue Officer, Proddutur, Kadapa district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records relating to the impugned Proceedings in Ref.B/446/2005, dt.19-5-2005 served on the petitioner on 30-5-2005 and quash the same as the same is illegal, arbitrary and Violative of Articles.14 of the Constitution of India apart from Violative of principles of Natural Justice and also contrary to the provisions of A.P.Public Distribution Control Order, 2001 and consequently set aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORAL ORDER

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The proceedings of the 1st respondent-Joint Collector, Kadapa, dated 19-05-2005 cancelling the authorization of the petitioner for running the fair price shop in Jamespeta village, Proddutur Mandal, Kadapa District is assailed.

The petitioner's authorization was earlier suspended. Against which she preferred an appeal to the 1st respondent and the 1st respondent declined grant of stay of the suspension proceedings. Aggrieved the petitioner filed a writ petition, which is pending. While so on 02-05-2005 the 1st respondent issued a show-cause notice to the petitioner, received on 07-05-2005, calling upon the petitioner to respond within 15 days to the charges set out in the show-cause notice. Even before the period (for submitting his response) was over, on 19-05-2005 the impugned order is passed which records that in the show-cause notice dated 02-05-2005 the petitioner was required to submit his explanation within seven (7) days and that the petitioner did not respond thereto or turn up for the enquiry.

The impugned order is thus invalid on two (2) grounds;(a) it erroneously records that the petitioner was granted only seven (7) days time for filing an explanation to the show-cause notice dated 02-05-2005 which was received by the petitioner on 07-05-2005 and (b) for passing the final orders even before the time given to the petitioner to respond had expired.

On the aforesaid analysis, the writ petition is allowed. The order of the 1st respondent dated 19-05-2005 is set aside. The 1st respondent is however at liberty to re-enquire into the charges against the petitioner after affording her a reasonable opportunity and after due intimation of the date of enquiry which shall be notified on a reasonable date after the receipt of an intimation letter by the petitioner from the 1st

respondent. As the impugned order has been passed recklessly and without due regard to the facts, this Court considers it appropriate to award costs in an amount of Rs.1,000/- (Rupees one thousand only) against the 1st respondent to the petitioner.

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GODA RAGHURAM,J

1ST JULY 2005

*TSNR

To

1 The Joint Collector, Kadapa, Kadapa district.
2 The Revenue Divisional Officer, Jammalamadugu, Kadapa district.
3 The Mandal Revenue Officer, Proddutur, Kadapa district.

4. Two CCS to G.P for Civil Supplies, High Court Buidings, Hyderabad(OUT)

5. Two C.D.Copies.